

Notice of Allowability

Application No.

10/643,570

Examiner

Brian P Mruk

Applicant(s)

GRIESE, GREG G.

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to July 8, 2004.
2. ☒ The allowed claim(s) is/are 1-8 and 10-20.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Brian P. Mruk
Brian P. Mruk
Primary Examiner
Tech Center 1700

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Brian Whipps on September 30, 2004.

2. The application has been amended as follows:

IN THE SPECIFICATION:

On page 1, after "filed March 19, 2003", insert ---, now U.S. Patent No. 6,767,881---

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:

Goffinet, U.S. Patent No. 4,414,128, discloses a liquid hard surface cleansing composition comprising 1-20% by weight of a surfactant, 0.5-10% by weight of a terpene, and 0.5-10% by weight of a polar solvent (see abstract and col. 2, lines 35-47). It is further taught by Goffinet that a preferred terpene includes d-limonene (see col. 2, lines 48-53), and that suitable nonionic surfactants include polyethylene oxide condensates of alky phenols (see col. 5, lines 14-28), condensation products of primary or secondary alcohols (see col. 5, lines 29-68), and condensation products of alkyl

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oxides and an amine (see col. 6, lines 1-8). Goffinet further discloses that the polar solvent includes glycol ethers (see col. 9, lines 1-34), and that the composition also contains hydrotropes, such as sodium xylene sulfonate (see col. 9, lines 35-45), and chelators, such as EDTA (see col. 7, line 50-col. 8, line 28). Specifically, note Examples 1-7 and 14-20. However, patentee differs from applicant in that Goffinet does not teach or suggest in general a liquid hard surface cleaning composition that contains greater than 10% by weight of a polyethoxylated phenol, as required by applicant in newly amended independent claims 1 and 11.

The examiner makes of record that Griesse et al, U.S. Patent No. 6,767,881 (Application SN 10/391,639), is no longer available as prior art for the reasons of record found in Applicant's Remarks, dated July 8, 2004.

Accordingly, the claims viewed as a whole would not have been obvious to one of ordinary skill in the art at the time of the invention after viewing the prior art of record.

2. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Mruk whose telephone number is (571) 272-1321. The examiner can normally be reached on Monday-Thursday from 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

BPM

Brian Mruk
September 30, 2004

Brian P. Mruk

Brian P. Mruk
Primary Examiner
Tech Center 1700